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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,771	06/29/2001	David U. Shorter	6169-235	2029

40987	7590	04/25/2005

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EXAMINER
POND, ROBERT M

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/896,771	SHORTER ET AL.
	Examiner	Art Unit	
	Robert M. Pond	3625	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The Applicant amended claims 1, 7, 21, and 22. All pending claims (1-22) were examined in this non-final office action necessitated by new grounds of rejection.

Response to Arguments

Applicant's arguments with respect to Claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   **Claims 1-20 are rejected under 35 USC 102(b) as being anticipated by NEON (a collection of prior art cited in PTO-892, Items: U-UU).**

NEON teaches all the limitations of claims 1-20. For example, NEON discloses NEON's (New Era of Networks) new XML and EDI adapters used to integrate B2B systems with any other application in an enterprise (U: see at least page 1). NEON discloses XML integration with non-XML based systems,

automatic loading of XML document type definitions (DTDs), industry standard

formats, choice of connectivity options, and support for IBM's MQSeries and

IBM's MQIntegrator (U: see at least page 2). NEON discloses MQSeries

software helping companies streamline their B2C, B2B, and A2A computing

environments regardless of platform or geography (V: see at least pages 1 and

2). NEON discloses IBM's partnership with NEON (V: see at least page 2).

NEON discloses MQSeries providing the integration capabilities for IBM's

WebSphere B2B software that helps business connect to customers, suppliers,

business partners, and e-marketplaces via the Internet (V: see at least page 2).

NEON discloses NEON being awarded US Patent 5,893,911(identified as a

courtesy to the Applicant hereinafter referred to as "Piskiel" for further reference)

that provides protection for core technologies of its Enterprise Application

Integration (EAI) products (W: see at least page 6). NEON discloses scalable

content-based information routing (e.g. routing orders based on the product

being shipped, location, customer, etc.), enabling products (e.g. MQSeries) to

perform content-based routing on thousands of information objects per second

while evaluating hundreds of thousands of rules (W: see at least page 6). NEON

discloses adapters for terminals and communication protocols (UU: see at least

pages 1-3). NEON further discloses:

- *Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data:* as noted above.

- *Intercepting in said message adapter data processing messages generated in corresponding retail IT system:* as noted above.

- *Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems:* as noted above

- *Receiving the forwarded data processing messages:* as noted above.

- *Common message format is based upon XML:* as noted above.

- *Forward each converted data processing message to a data control point; queuing message:* (W: see at least page 5Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63).

- *Asynchronous messaging:* (X: see at least pages 1 and 2).

- *Machine readable storage:* (W: Piskiel, see at least Fig. 1; col. 5, line 50 through col. 6, line 17).

Pertaining to claims 7-12 and 17-20

Rejection of claims 7-12 and 17-20 is based on the same rationale as noted above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by the manner in which the invention was
> made.

2.   **Claims 21 and 22 are rejected under 35 USC 103(a) as being**

unpatentable over NEON (a collection of prior art cited in PTO-892, Items:

U-UU) in view of Flores et al. (Paper #20040929, US 6,073,109 hereinafter

referred to as "Flores").

NEON teaches NEON's (New Era of Networks) new XML and EDI adapters

used to integrate B2B systems with any other application in an enterprise (U: see

at least page 1). NEON teaches XML integration with non-XML based systems,

automatic loading of XML document type definitions (DTDs), industry standard

formats, choice of connectivity options, and support for IBM's MQSeries and

IBM's MQIntegrator (U: see at least page 2). NEON teaches MQSeries software

helping companies streamline their B2C, B2B, and A2A computing environments

regardless of platform or geography (V: see at least pages 1 and 2). NEON

discloses IBM's partnership with NEON (V: see at least page 2). NEON teaches

MQSeries providing the integration capabilities for IBM's WebSphere B2B

software that helps business connect to customers, suppliers, business partners,

and e-marketplaces via the Internet (V: see at least page 2). NEON teaches

NEON being awarded US Patent 5,893,911(identified as a courtesy to the

Applicant hereinafter referred to as "Piskiel" for further reference) that provides

protection for core technologies of its Enterprise Application Integration products

(W: see at least page 6). NEON teaches scalable content-based information

routing (e.g. routing orders based on the product being shipped, location,

customer, etc.), enabling products (e.g. MQSeries) to perform content-based

routing on thousands of information objects per second while evaluating

hundreds of thousands of rules (W: see at least page 6). NEON teaches

adapters for terminals and communication protocols (UU: see at least pages 1-

3). NEON further teaches:

- *Associating a plurality of message adapters with a plurality of integrated technology (IT) systems for processing common data:* as noted above.

- *Intercepting in said message adapter data processing messages generated in corresponding retail IT system:* as noted above.

- *Converting in message adapters the intercepted data processing messages to a common message format and forwarding each converted message to other IT systems:* as noted above

- *Receiving the forwarded data processing messages:* as noted above.

- *Common message format is based upon XML:* as noted above.

- *Forward each converted data processing message to a data control point; queuing message:* (W: see at least page 5Piskiel, see at least Fig. 1; Fig. 2; col. 1, line 5 through col. 5, line 13; col. 7, lines 45-63).

- *Asynchronous messaging:* (X: see at least pages 1 and 2).

- *Machine readable storage:* (W: Piskiel, see at least Fig. 1; col. 5, line 50

  through col. 6, line 17).

NEON teaches all the above as noted under the 103(a) rejection but does not

teach detecting a modification to common data. Flores teaches managing

business processes, detecting changes in transaction databases, and initiating

processes due to detected changes (see at least abstract; Fig. 4b (1-6); col. 1,

lines 10-27; col. 3, lines 20-24). Therefore it would have been obvious to one of

ordinary skill in the art at time of the invention to modify the system and method

of NEON to detect changes in a database as taught by Flores, in order to

communicate changes in business information.

Pertaining to claim 22

Rejection of claim 22 is based on the same rationale as noted above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

> EAI: Kalafsky, M.; "Legacy Reuse Strategies: Enterprise Application
>
> Integration," SunServer, May 2000, v14n5pg6, Proquest #53847549,
>
> 5pgs; teaches Enterprise Application Integration, messaging (synch and
>
> async), connectivity, security, and strategies.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Robert M. Pond whose telephone number is

571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159.

The fax phone number for the organization where this application or proceeding

is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).

Robert M. Pond
Primary Examiner
April 18, 2005